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OUR RELATIONS

WITH

THE CHINESE EMPIRE.

BY

S. WELLS WILLIAMS, LL.D.,

ate Secretary of the American Legation, Peking, China, author of "The Chinese Empire and its Inhabitants," "Tonic Dictionary of the Canton Dialect," "A Dictionary of the Chinese Language, in the Mandarin Dialect," etc., etc.

SAN FRANCISCO:

1877.

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INTRODUCTION.

In republishing the subjoined very able and important article from the pen of S. WELLS WILLIAMS, LL.D, the letter addressed to him by American citizens of Shanghai, China, is prefixed, as a suitable introduction, showing that no man living is so well qualified to speak on the subject of our relations with the Chinese Empire. We are much mistaken if his words will not have manifold more influence than all the utterances of time-serving politicians.—J. G. K.

S. WELLS WILLIAMS, LL.D.

SHANGHAI, CHINA, *November 14th*, 1876.

Dear Sir:—On the eve of your final departure from China, we beg to offer you the expression, not only of our regret that we can no longer have you in our midst, but also of our affection for yourself, our reverence for your personal character and influence, and of our high appreciation of your literary attainments and large contributions from your abundant stores in aid of the work of others.

Your kindly cheerfulness and patient industry and Christian consistency have won our hearts, commanded our admiration, and given us an example full of instruction and encouragement.

Your labors as Editor, Author, and Lexicographer, have laid us and all students of Chinese history and the Chinese language, under great and lasting obligations to your extensive and accurate knowledge, and to your painstaking and generous efforts in giving it to others.

The high official position which you have so long occupied, as United States Secretary of Legation and Interpreter, and, nine several times, as United States Chargé d'Affaires, has given you many and important opportunities of turning your knowledge and experience to valuable account for the benefit of the Chinese, the good of your own country, and, above all, for the advancement of the cause of Christianity in China. And we would express our grateful sense of the conscientious faithfulness with which you have discharged the duties of this responsible post.

But especially shall we delight to remember, that in all your relations, literary, diplomatic, and social, towards natives and foreigners in China, for the unprecedented term of forty-three years, you have faithfully and consistently stood by your colors as a Christian man and missionary.

We congratulate you, that you may carry with you the true "wealth of the Indies," in the consciousness of a life well spent in them, to the glory of the living and true God, and the highest good of your fellow-men.

Wishing you God-speed in your future work, and God's best blessings here and hereafter, we bid you an affectionate farewell!

Faithfully and truly yours.

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cans had nothing to do with the opium trade. In 1839, before hostilities had actually commenced with the British, in consequence of his seizure of opium, Commissioner Lin found that the Americans had this reputation at Canton, and he endeavored to enlist them on his side in his efforts to suppress it. On one occasion, he sent a special agent to Macao, to request Rev. Mr. Bridgman, the American missionary, to come to him, supposing that he might have some influence in this direction. An interview was held, and although Lin was disappointed in his plan of intermediation, he learned many new ideas concerning the impending struggle, and the relative power of his own country and Great Britain, as well as the inefficiency of his attempt to prevent it. It was the first effort on the part of any Chinese official to open political relations with the Americans, and was in itself a tacit acknowledgment of the reputation which Mr. Bridgman had obtained among the people during his ten years' residence at Canton. At that time, the American trade was second in value to the British. The Chinese Government sincerely desired to stop only the opium trade and develop all other branches; but the British Government, ruled as it is by the shortsighted selfishness of trade, refused to coöperate in this despairing effort to restrain an evil of which its victims knew the effects better than their destroyers. England then lost a golden opportunity to elevate moral above mercenary motives in the eyes of a heathen people, which she has never recovered. She showed no desire to stay the destroying agency so profitable to herself.

The proposal of the American Government in 1844, to open political relations with the Court of Peking, was mor favorably received by it than a similar one from any other nation would have been at that moment, owing to this general opinion of its citizens; and the first article of Mr. Cushing's treaty of July, 1844, indicated the hopes of such a makeweight against the British. It read as follows:

"There shall be a perfect, permanent, and universal peace, and a sincere and cordial amity between the United States of America on the one part, and the Ta Tsing Empire on the other part, and between their people respectively, without exception of persons or places."

The thirty-third article of this treaty disallowed the citizens of the United States from trading "in opium, or any other contraband article of merchandise," under penalty of losing all countenance or protection from their own Government. The word was not mentioned either in the British treaty or tariff, though all parties fully understood that the trade was illegal, and the ships of both these nations engaged in it.

The next fourteen years showed a great increase of intercourse of every kind, commercial, religious, and political; and the American Treaty, from its being the most minute and carefully arranged, under the skilful hand of Mr. Cushing, of any one of the four then existing, became, so to speak, the charter-party of that intercourse. The American Ministers who represented their country after its ratification, were courteously received by the deputy of the Emperor at Canton, who was the Governor-General of the Province, and answers were returned to the Letters of Credence delivered through him for transmission to his Majesty. The peculiar notions of etiquette on such points prevailing among the crowned heads of Europe, prevented their representatives sending in their credentials, since these could only be delivered in person to the Emperor. The American Government deemed it suitable to its position to communicate a Letter of Credence to the proper officers appointed by the Chinese Government, as it was intercourse between the Governments which was desired, rather than between their chiefs.

These points might now be considered as trifling things, but thirty years ago they formed part of the influence at work in changing the ideas, and removing the ignorance of the Chinese rulers and people. Those wrong ideas were rather more the misfortune than the fault of both, but their conceit hindered their learning salutary truths. The next war between Great Britain and China incidentally grew out of the opium trade as the first did, though it was veiled by a reference to an insult alleged to have been given to the British flag by the Governor-General at Canton, who probably had no such intention. The consequences were favorable to permanent peace, as they placed all international relations

on a more satisfactory basis. The four treaties signed at Tientsin in June, 1858, brought China into the family of nations—much against her will, and smarting under a sense of injury, indeed, but doubtless for her good and her future safety. In the new treaty made with the United States on this occasion by Mr. Reed, the first article was enlarged as follows:

"There shall be, as there has always been, peace and friendship between the United States of America and the Ta Tsing Empire, and between their people respectively. They shall not insult and oppress each other for any trifling cause, so as to produce an estrangement between them; and if any other nation should act unjustly or oppressively, the United States will exert their good offices, on being informed of the case, to bring about an amicable arrangement of the question, thus showing their friendly feelings."

By this article, the United States have bound themselves to treat the Chinese, as they ask them to treat American citizens, in a way which they have not bound themselves to do with any other nation. In China, its spirit and letter have, on the whole, been well carried out. In 1848, three men were executed for the murder of Rev. W. M. Lowrie, and six more banished; and in 1856, a man was executed at Fuhchau for killing Mr. Cunningham in a mob. This was by the Chinese authorities. On the other hand, one David Williams was sentenced to death at Shanghai in the United States Consular Court for piracy and murder in Chinese waters in 1863, and would have been executed if he had not committed suicide the night before the appointed day. Another man, named Thompson, was subsequently tried and found guilty of murdering a Chinese, but he escaped from prison two or three days before the day set for his execution. These instances have sufficed to show the determination of the authorities of both countries to vindicate the laws of their lands in maintaining treaty stipulations. In the retrospect of the thirty-five years, since the treaty of Nanking, and considering the way in which foreign treaties were forced out of the Chinese, and their feeling that they seldom get redress when they are the plaintiffs, they deserve respect for the manner in which they have observed them.

During this period, the Chinese have been made acquainted with the position, resources, and character of the United States, almost wholly through her missionaries. The official correspondence and interpreting between the Chinese and the Ministers, Admirals, and Consuls, who have successively represented her, has been, with slight exceptions, done by them or their sons; and they have themselves acted as the nation's representatives on many occasions. Not a dollar has ever been spent by the United States to train up a class of interpreters who could perform this necessary duty, as is done by every other country which has extensive political relations with China; even nations like Denmark and Austria deem it politic to educate their own official interpreters, though their trade is trifling, and their subjects number only a few scores.

Two Americans have been in the service of the Chinese Government within the past twenty years, whose deeds are not likely to be soon forgotten. One of them was General Frederick Ward, who formed the Ever Victorious force. He led it against the Taiping rebels in several attacks, and was mortally wounded in 1862 near Ningpo, at the head of his men, whom he had inspirited with his own courage. The other has been more widely known, but in Anson Burlingame the Chinese had an equally useful servant. In his capacity as the first American Minister who lived in Peking, he made a good impression upon the Chinese officials; and at that time it was exceedingly desirable to remove the bizarre and erroneous ideas these men had been taught, in their seclusion from the world at large, to believe respecting the manners and policy of foreign nations. Mr. Burlingame and Sir Frederick Bruce were personally well fitted to remove their fears, and did combine to strengthen their hopes for the gradual adoption of better relations. When, therefore, they appointed Mr. Burlingame, in 1867, to be their Envoy to all the twelve Powers with whom they had negotiated treaties, it was in the full belief that he would serve them faithfully. He had already done them a good service in the matter of the Lay-Osborne Flotilla, and his aftercourse upheld the favorable opinion which had led to his appointment. If he hadbeen spared to return to Peking and confer with them,

it is probable that his mission would have had more permanent effects. As a mark of their peculiar regard for these two men, they have both been deified by the Emperor, (the latter, we hear, quite recently,) and their names enrolled among the worthies whose influence in the unseen world will benefit the Middle Kingdom. They are the only two foreigners, so far as is known, who have ever had this distinction.

In considering the political relations between China and the United States, it is well to refer to the fifth article in the treaty negotiated at Washington, known as the Burlingame Treaty, as it is continually referred to in this country as bearing on the immigration of the Chinese. It is supposed by many that that article stimulated emigration to America, as its modification or abrogation will stop it. Though Mr. Burlingame was invested with full powers, it was not expected that he would negotiate any new treaties, and his associate Envoys were very reluctant to affix their names to this one without express instructions from Peking. It is, as a whole, rather an amplification of the stipulations and spirit of the treaty of 1858, and does not grant any really new privileges. The fifth article reads as follows:

"The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and his allegiance, and also the mutual advantages of the free migration and immigration of their citizens and subjects respectively from the one country to the other for the purposes of curiosity, trade, or as permanent residents. The high contracting parties, therefore, join in reprobating any other than an entirely voluntary immigration for these purposes. They consequently agree to pass laws, making it a penal offence for a citizen of the United States, or a Chinese subject, to take Chinese subjects, either to the United States or to any foreign country; or for a Chinese subject or a citizen of the United States, to take citizens of the United States to China, or to any other foreign country, without their free and voluntary consent respectively."

This treaty was ratified by President Johnson, by and with the advice and consent of the Senate, before it was

sent out to Peking, and submitted to the consideration of the other contracting Power. The Chinese Government delayed to affix the Imperial seal for many months, simply because it wished to see whether its Envoys would make any more treaties with other nations, for the usage is that whatever is granted to one nation is free to all.

It is not likely that the Burlingame Treaty has ever had any perceptible effect on the emigration of the Chinese to this country. Few, very few of the people know that such an article as that now quoted exists. They do know that none of their countrymen go as contract laborers to the United States, and that when a man leaves Hong Kong under the American flag for the Kau Kam Shan or Old Gold Hills, there is a certainty of his friends hearing from him, and of his return home (if living) when he pleases. This treaty was made about twenty years after the emigration to California had set in, and myriads had gone out and returned home in the meantime. When Mr. Burlingame returned from San Francisco to Peking in 1866, he reported to the Chinese that a million of laborers could find employment on the Pacific Coast. The Pacific Railroad had not then been completed, and the prospect to the capitalists engaged in that and other public and private works of getting labor from China, at a cheaper rate than could elsewhere be obtained, was very tempting. The Chinese were likely to be well treated when they could be hired at half the price of Irish and German laborers.

The truth is, everything has been done on our side to encourage and regulate the immigration of Chinese into this country. They were useful at first, in humble labors, when the search for gold engrossed the attention of others; and became of real value when the construction of the great Railroad depended on their industry. The Burlingame Treaty only expressed its approval of what existed, and the Emperor of China had no power to prevent his subjects leaving their native soil, even if that compact had set itself against their landing on the shores of America. They have been emigrating for centuries, and have settled themselves in all the islands of the Indian Archipelago and Pacific Ocean, as well as the inviting countries nearer by. They go at their own

risk, however, and the Son of Heaven used to care very little what became of them, if they were so unwise as to leave a civilized land for the barbarous, lawless regions beyond its pale.

It should be stated, too, that strictly speaking, none come to this country direct from China; from the very first, they have all sailed away to San Francisco from British territory, the ships have come under British rules and restrictions in relation to provisioning and numbers, and British officers at Hong Kong have given clearances to ships with Chinese going to San Francisco, just as British officers have given them to ships with Irish going from Queenstown. The Burlingame Treaty would not have anyhow prevented Chinese going to Hong Kong, and the Emperor of China cannot stop his subjects going abroad. The old and common ideas respecting the danger to a man who did so have been exaggerated, for no one was punished who returned home; on the contrary, in olden time he was regarded with curious interest if he had gone at first from places far in the interior. Probably not five per cent. ever did return; and far the greater part of those who have gone to Siam, India, and the Archipelago, and elsewhere, went of their own accord, and on the same conditions that they have gone to California and Australia, viz., by mortgaging their labor to pay for their passage.

The above is one side of the Chinese question. That of treaties, of capital and labor, and of treatment of our citizens in China, where we have compelled their rulers to let us live under our own laws within their borders, is the other. This right of ex-territorial jurisdiction is a sore spot in the minds of those rulers, and they usually oppose any demands for further privileges on the part of American representatives, and even of all foreign nations, by comparing the legal position of the two peoples in each other's territories.

Comparing the civilization of one side with the other in this singular condition of things, what do we see? The first has been nurtured under the highest standards of moral principles, and claims to be guided by elevated sentiments and an intelligent public opinion; and yet all this has failed to secure the commonest rights of humanity to the second,

who are weak, ignorant, poor, and unprotected. When the Chinese first arrived in California after the gold was discovered, they were not allowed to testify in the courts; and the consequences were such as were well known in the slave States, where the evidence of negroes was ruled out. Murders, robberies, oppressions, and assaults upon them became so common, and usually unpunishable for want of evidence, that the legislators of California, for their own protection, were induced to pass an act allowing the Chinese to testify. Discriminating laws were passed against them, and their labor was taxed without securing to them the protection and privileges they paid for. The fact that the treaties were made with the Government of the United States, seems to have had no weight with the rulers of the States where the Chinese suffered these things. They fell between two stools. They had neither opportunity to know their treaty rights, money to go into the proper courts, advocates to plead for them, or the least consular protection or cognizance from their own home Government in Peking. The high officers there were urged to appoint suitable men to go to San Francisco as Chinese consuls, but while they acknowledged its importance, they could not, rather than would not, see their way clear to do so.

To say that the great majority of Chinese now in our borders are fairly treated, and have been paid their wages, and that the cases of outrage and unredressed wrongs form the vast exception, is simply to evade the responsibility which rests on a Government to secure protection to every individual within its jurisdiction. The Government of the United States properly requires and expects that every American citizen visiting or residing in China, shall be treated justly by the Chinese Government, and its consuls dwelling at the ports would soon be recalled if they failed to do their utmost to redress wrongs suffered in life, limb, or property by the poorest citizen. The Imperial Government has already paid out about $800,000 to indemnify the losses of our citizens within its territory. Some of these losses were incurred by the direct act of British forces setting fire to the houses of Americans, and in no case, almost, were they caused by direct attacks on them as such. Mission chapels have been

destroyed, or pillaged by mobs at Tientsin, Shanghai, Fuhchau, and Canton, and indemnity made in every case.

How mortifying is the record of robberies, murders, arsons, and assaults, committed on peaceable Chinese living on the Pacific coast, not one of whom had any power to plead their case, and most of whom probably suffered in silence! Do we excuse ourselves from fulfilling treaty obligations, the most solemn obligations a nation can impose on itself, and whose infraction always ought to involve loss of character and moral power, because the Chinese Government is a pagan Government, and weak, too, as well? Can this nation look quietly on while Chinese are murdered, and their houses burned over their heads, in California, and no one is executed for such murders, or mulcted for such arsons; and then excuse itself for such a breach of faith because these acts were committed in that State, and no Chinese consul is there to plead officially for redress? It is not implied by this that no murderer has ever been executed for taking their lives, or robber punished for his crimes, but every one knows that such criminals do escape punishment, and that the Chinese in that State feel their insecurity and weakness. Wo be to them if they should attempt to redress their own wrongs!

This point is quite a different question from the speculative ones, Whether the immigration of the Chinese should be allowed? Whether their labor will not destroy our own? Whether we can absorb and assimilate such a mass of ignorant, immoral, and degraded heathens? The point brought up in these remarks, refers to the treaty obligations the American people has voluntarily taken upon itself in reference to the Chinese. We may say that we are suffering these evils from that people, and are determined to prevent any more of them coming. If the balance of evils suffered by the parties to these treaties be drawn, the Chinese would be found to have had by far the worst of them. It is better far to show that the treaties have brought more good results in their train to both than evil, and that it is for our own highest welfare to treat those whom we have done so much to induce to come here, with at least as much justice as we demand of them. Some fear that this country will be

swamped altogether by this flood of aliens, but the 125,000 or so of Chinese now in this land, with few exceptions, all came from a small portion, two prefectures, of Kwangtung Province. There is no probability of other parts of the Empire joining in this emigration, for several reasons, one of which is the great differences in their dialects. The labor question, also, is quite irrelevant to the one before us. The laws of supply and demand, wages and work, food and machinery, are among the most vital and difficult of solution among mankind, and will doubtless often come into collision until their complicated interests are better understood. But to allow one ignorant laborer to maltreat another with impunity, because the former is stronger, has a vote, and will not try to understand why he suffers just as myriads of other laborers do, who are not troubled with the *heathen Chinee*, is to sap and weaken all law and order. If they are an inferior race, as we roundly assert, there is no fear of their ever interfering with our supremacy here in any department, and policy alone would counsel us to treat them fairly; and on the other hand, if they can rise, in their own land, under the same democratic institutions and Christian training to be our equals, we cannot, as a nation living next to them just across the Pacific, well afford to treat them as enemies.

The Chinese were treated reasonably well in California as long as our citizens could make money out of their cheap labor, and when the hopes of getting a large portion of the China and East India trade were encouraging. They had not carefully studied the thrifty and economical habits of the laborers whom they invited in to compete with native workmen, nor how soon the real power of those habits, which have given the Chinese their superiority in Asia, would be seen here. No measures were taken by the rulers of California or San Francisco to compel the immigrants to live with some regard to their own health and the public comfort, but when they became "nuisances" to others from their overcrowding, then the whole blame was put upon them, whereas the chief fault lay with the municipality for not teaching them how to live properly. Further, a wise policy would have led the city and State authorities to edu-

cate suitable men in the Chinese language, who could have acted as their interpreters and translators, and thus maintained an intelligent intercourse with these people. This reasonable course would have shown them that their condition was understood, a way prepared for them to improve, and proper persons appointed to help them in all suitable ways. Nothing of the kind has ever been done, though measures are taken in several other States to aid Germans, Norwegians, etc., in understanding our laws in their own tongue, so that no mistakes may be made. Yet no class needed it so much as the Chinese, and none would have been more likely to have accepted the laws when they understood them.

One cannot but feel indignant and mortified at the contrast between the way in which the Chinese have treated us in their country into which we have forced ourselves, and the way we have treated them in this country, into which we have invited them. We have too often used them as if they had no rights which we were bound to respect, and refused that protection as men and laborers which the existing treaties guaranteed to them. Is it necessary, in order that we should carry out our own treaty obligations, that we wait for a Chinese Minister at Washington to officially inform the Secretary of State how they have been violated; or for a Chinese Consul at San Francisco to complain to its Mayor that his countrymen are stoned and robbed, and set upon, and no one punished, no one arrested for such deeds? Is not our Christian civilization strong enough to do right by them? Have we no remedy when we make mischief by a law, and then excuse ourselves for wrongdoing under the plea of law?

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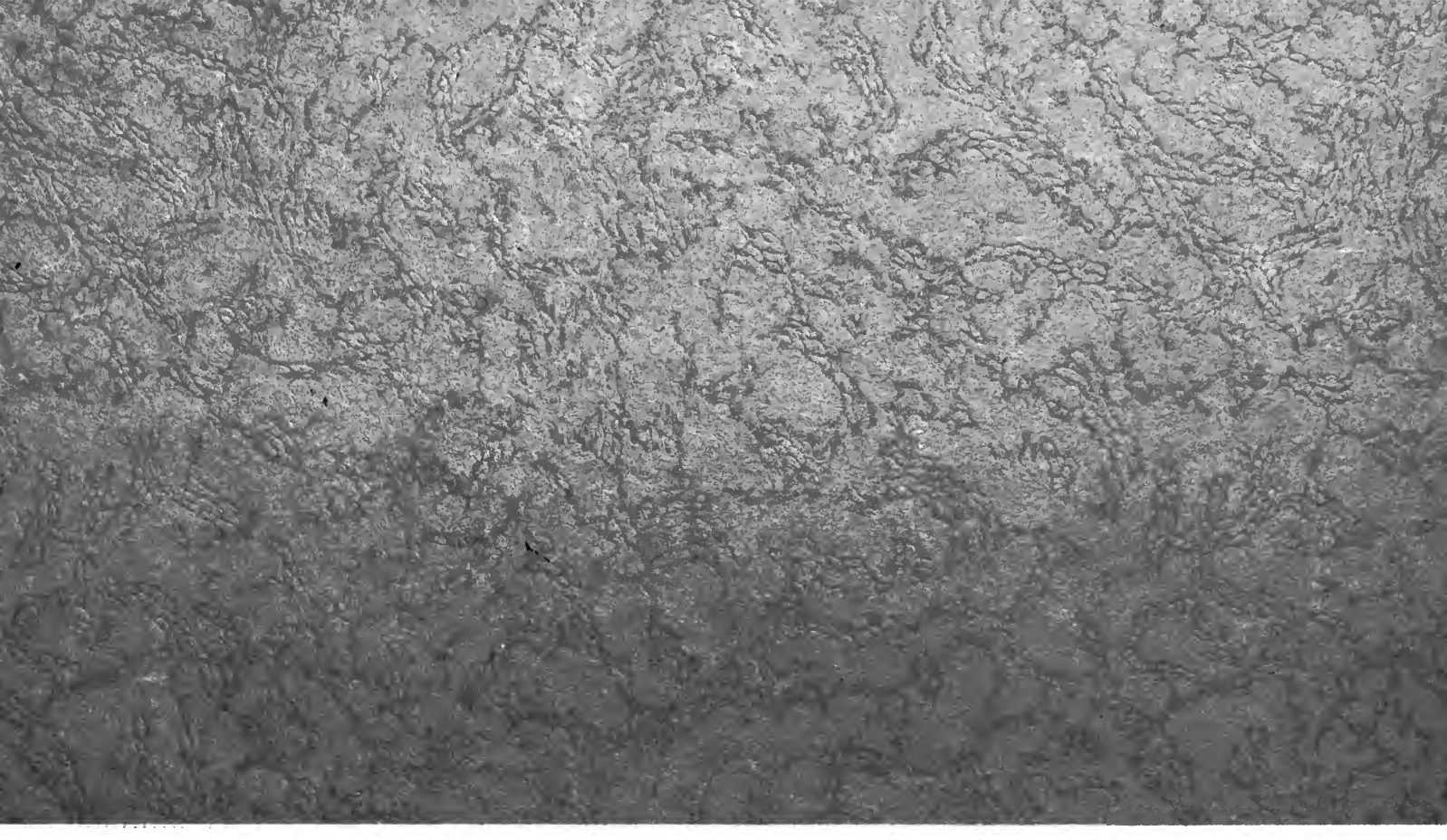
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